

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services.

41.5 5. In exceptional circumstances for good cause shown, 41.5 the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis.

41.6a 6. (a) The supervisor of an individual who performs serv- 41.6a ices for any Member, committee, or office of the Senate for a period in excess of four weeks and who receives compensation therefor from any source other than the United States Government shall report to the Select Committee on Ethics with respect to the utilization of the services of such individual.

41.6b (b) A report under subparagraph (a) shall be made with 41.6b respect to an individual—

(1) when such individual begins performing services described in such subparagraph;

(2) at the close of each calendar quarter while such individual is performing such services; and

(3) when such individual ceases to perform such services.

Each such report shall include the identity of the source of the compensation received by such individual and the amount or rate of compensation paid by such source.

41.6c (c) No report shall be required under subparagraph (a) 41.6c with respect to an individual who normally performs services for a Member, committee, or office for less than eight hours a week.

41.6d (d) For purposes of this paragraph, the supervisor of an 41.6d individual shall be determined under paragraph 12 of rule XXXVII.⁵¹

42

RULE XLII

42

EMPLOYMENT PRACTICES

42.1 1. No Member, officer, or employee of the Senate shall, 42.1 with respect to employment by the Senate or any office thereof—

42.1a (a) fail or refuse to hire an individual; 42.1a

⁵¹ Redesignated pursuant to S. Res. 236, 101-2, Jan. 30, 1990 and S. Res. 299, 106-2, Apr. 27, 2000.

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| 42.1b | (b) discharge an individual; or | 42.1b |
| 42.1c | (c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap. | 42.1c |
| 42.2 | 2. ⁵² For purposes of this rule, the provisions of section 509(a) of the Americans With Disabilities Act of 1990 shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate. | 42.2 |

43

RULE XLIII

43

REPRESENTATION BY MEMBERS⁵³

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| 43.1 | 1. In responding to petitions for assistance, a Member of the Senate, acting directly or through employees, has the right to assist petitioners before executive and independent government officials and agencies. | 43.1 |
| 43.2 | 2. At the request of a petitioner, a Member of the Senate, or a Senate employee, may communicate with an executive or independent government official or agency on any matter to— | 43.2 |
| 43.2a | (a) request information or a status report; | 43.2a |
| 43.2b | (b) urge prompt consideration; | 43.2b |
| 43.2c | (c) arrange for interviews or appointments; | 43.2c |
| 43.2d | (d) express judgments; | 43.2d |
| 43.2e | (e) call for reconsideration of an administrative response which the Member believes is not reasonably supported by statutes, regulations or considerations of equity or public policy; or | 43.2e |
| 43.2f | (f) perform any other service of a similar nature consistent with the provisions of this rule. | 43.2f |
| 43.3 | 3. The decision to provide assistance to petitioners may not be made on the basis of contributions or services, or promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest. | 43.3 |
| 43.4 | 4. A Member shall make a reasonable effort to assure that representations made in the Member's name by any Senate employee are accurate and conform to the Member's instructions and to this rule. | 43.4 |

⁵² Added by S. Res. 192, 102-1, Oct. 31, 1991, effective July 26, 1990. ADA was subsequently amended by the Government Employee Rights Act of 1991 (Title 3, Civil Rights Act of 1991, Pub. L. 102-166, codified at 2 U.S.C. 1201 et seq.). See Senate Manual § 399.60.

⁵³ Rule established by S. Res. 273, 102-2, July 2, 1992.